

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

04 SEP 23 PM 2:36

BILLY JOE IVEY,

Plaintiff,

**VS.**

FRED DONALDSON,

Defendant.

CV-01-B-0879-NE

**ENTERED**

SEP 24 2004

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 25, 2004, recommending that the defendant's motion for summary judgment be granted and this cause be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 23<sup>rd</sup> day of September, 2004.

Sharon Lovelace Blackburn  
SHARON LOVELACE BLACKBURN  
UNITED STATES DISTRICT JUDGE

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